

# **DAKOTA ACCESS PIPELINE PROJECT**

## **North Dakota Wildlife Inventory and Habitat Assessment Field Survey Report**



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**LIST OF ACRONYMS**

CRP	Conservation Reserve Program
DAPL	Dakota Access Pipeline
ESA	Endangered Species Act
FOIA	Freedom of Information Act
FSA	Farm Service Agency
GIS	Geographic Information System
GRP	Grassland Reserve Program
HDD	Horizontal Directional Drilling
HDR	HDR Engineering, Inc.
NDGF	North Dakota Game and Fish Department
NDPR	North Dakota Parks and Recreation Department
NRCS	Natural Resources Conservation Service
PLOTS	Private Land Open to Sportsmen
Project	Dakota Access Pipeline Project
USFWS	U.S. Fish and Wildlife Service
WNS	White Nose Syndrome
WRP	Wetland Reserve Program

**LIST OF APPENDICES**

Appendix A	Consultation Documents
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## 1.0 Introduction

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The Dakota Access Pipeline (DAPL) Project is approximately 1,134 miles in length and will transport crude oil from Stanley, North Dakota to Patoka, Illinois. The North Dakota portion of the DAPL Project is approximately 359 miles in length (which consists of approximately 147 miles of the Supply Line that connects 6 tank terminal sites, and approximately 212 miles of the Mainline) traversing seven counties (Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons) and includes six tank terminals with pump stations and other appurtenances.

The purpose of this report is to describe the methods and results of the North Dakota wildlife inventory and habitat assessment field surveys and identifying and classifying the presence of wildlife species and their associated habitats within the 400-foot wide environmental survey corridor.

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## 2.0 Methods

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The wildlife inventory and habitat assessments began with a desktop analysis of the proposed route conducted in August, 2014 to identify areas of potentially suitable habitat for federally listed threatened and endangered species that may occur along the DAPL route in North Dakota. Consultation with U.S. Fish and Wildlife Service (USFWS), North Dakota Game and Fish Department (NDGF), and North Dakota Parks and Recreation initiated in 2014 further supplements the inventory (see Section 4 and **Appendix A**).

This desktop analysis informed the development of a field-based habitat assessment. Field surveys were conducted in August, September, October, and November 2014 and continued in April and May 2015. As determined by ongoing consultation with the USFWS, and seasonal survey restrictions, field-based habitat assessment surveys will continue in June and possibly July 2015 for the federally listed Dakota skipper. Further discussion of site-specific field surveys is found in Section 4.4.4.1.

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## 3.0 Vegetation and Habitat Types

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The following sections provide wildlife habitat characterizations, as well as plant and animal species that may inhabit the Project area. Habitat characterizations can generally be associated with vegetative cover types, land topography or various other contributing environmental factors. Ecoregions, habitat types and wildlife resources are discussed below.

### 3.1 Ecoregions

The Project facilities are located in the Great Plains-Palouse Dry Steppe Province. The Great Plains-Palouse Dry Steppe Province is characterized by rolling plains and tablelands that slope gradually from the foot of the Rocky Mountains towards the east. The majority of the region consists of flat plains but is punctuated by occasional valleys, canyons and buttes. Historically, large herds of buffalo migrated across the steppe plains.<sup>1</sup> The Great Plains-Palouse Dry Steppe Province has been subdivided into 10 level III ecoregions and the Project area intersects two of these: the Northwestern Glaciated Plains and the Northwestern Great Plains Sections.

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<sup>1</sup> U.S. Department of Agriculture. 2015. Ecological Subregions of the United States. Great Plains-Palouse Dry Steppe Province. <http://www.fs.fed.us/land/ecosysmgmt/colorimagemap/images/331.html>. Accessed April, 2015.

## Northwestern Glaciated Plains

The proposed route is located within the Northwestern Glaciated Plains level III ecoregion for approximately 75 miles north of the Missouri River (Supply Line) and again for approximately 25 miles north of the South Dakota border (Mainline). The Northwestern Glaciated Plains Section is comprised of level to gently rolling continental glacial till plains and rolling hills on the Missouri Plateau with some areas of steeper slopes near the Missouri River. Most of this section is cropland or pasture land. Common vegetation consists of blue grama (*Bouteloua gracilis*), bluebunch wheatgrass (*Pseudoroegneria spicata*), green needlegrass (*Nassella viridula*), needle and thread (*Hesperostipa comata*), western wheatgrass (*Pascopyrum smithii*) and basin wildrye (*Leymus cinereus*). Ferruginous hawks (*Buteo regalis*), Swainson's hawks (*Buteo swainsoni*), golden eagles (*Aquila chrysaetos*), sharp-tailed grouse (*Tympanuchus phasianellus*), sage grouse (*Centrocercus urophasianus*), clay-colored sparrow (*Spizella pallida*) and dabbling ducks are examples of birds common to the region that are typically associated with grasslands or prairie potholes. Typical large mammals include white-tailed deer (*Odocoileus virginianus*), mule deer (*Odocoileus hemionus*), pronghorn (*Antilocapra americana*), bobcat (*Lynx rufus*) and mountain lion (*Puma concolor*). Smaller mammals include the white-tailed jackrabbit (*Lepus townsendii*), white-tailed prairie dog (*Cynomys leucurus*) and black-tailed prairie dog (*Cynomys ludovicianus*). Herpetofauna distinctive of this section are the snapping turtle (*Chelydra serpentina*), spiny softshell turtle (*Apalone spinifera*), smooth green snake (*Opheodrys vernalis*) and the prairie rattlesnake (*Crotalus viridis*).<sup>2</sup> Less common wildlife species found in this section include the black-tailed jackrabbit (*Lepus californicus*), swift fox (*Vulpes velox*), dwarf shrew (*Sorex nanus*) and Canadian toad (*Bufo hemiophys*).

Within the Northwestern Glaciated Plains the proposed route crosses the Missouri Coteau Slope and Glaciated Dark Brown Prairie level IV ecoregions. The Missouri Coteau slope ecoregion has a simple drainage pattern with few wetland depressions and is crossed by the proposed route for approximately 30 miles. The level to gently rolling topography allows for a high concentration of cropland though cattle grazing is common on the steeper land that occurs along drainages. To the west of this region the Project area traverses approximately 69.20 miles within the Glaciated Dark Brown Prairie ecoregion which marks a transition to drier conditions as the Project approaches the Montana state border before continuing south and crossing the Missouri River in McKenzie County. This ecoregion has a well-defined drainage system and fewer wetlands compared to the Missouri Coteau Slope. Cropland and rangeland are characteristic to this landscape.<sup>3</sup>

## Northwestern Great Plains

The Northwestern Great Plains Section contains the majority of the Project area within North Dakota (253 miles) from approximate milepost 77 of the Supply Line to milepost 183 of the Mainline segment where it transitions back into the Northwestern Glaciated Plains. This region includes gently sloping to rolling, moderately dissected shale plains. This Section has natural prairie vegetation, which includes western wheatgrass, green needlegrass, blue grama, needle

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<sup>2</sup> U.S. Department of Agriculture. 2015. Chapter 41 Ecological Subregions of the United States,- Chapter 41 Great Plains-Palouse Dry Steppe. Northwestern Glaciated Plains. <http://www.fs.fed.us/land/pubs/ecoregions/ch41.html#331D>. Accessed April 2015.

<sup>3</sup> Bryce, S. A., J. M. Omernik, D. A. Pater, M. Ulmer, J. Schaar, J. Freeouf, R. Johnson, P. Kuck, and S. H. Azevedo. 1996. Ecoregions of North Dakota and South Dakota, (color poster with map, descriptive text, summary tables, and photographs): Reston, Virginia, U.S. Geological Survey (map scale 1:1,500,000).

and thread and buffalograss (*Bouteloua dactyloides*). Much of this natural prairie vegetation has been replaced by dryland farming of spring wheat (*Triticum* spp.) and alfalfa (*Medicago sativa*).<sup>4</sup> Common shrubs in draws and along streams include buffaloberry (*Shepherdia argentea*), chokecherry (*Prunus virginiana*), western snowberry (*Symphoricarpos occidentalis*) and sagebrush (*Artemisia* spp.).<sup>5</sup> Dry grassland, badland, and riparian associated bird species are typical to the area including the ferruginous hawk, golden eagle, sharp-tailed grouse, sage grouse, gray partridge (*Perdix perdix*), mourning dove (*Zenaida macroura*), black-billed magpie (*Pica hudsonia*), horned lark (*Eremophila alpestris*), western meadowlark (*Sturnella neglecta*), lark bunting (*Calamospiza melanocorys*), grasshopper sparrow (*Ammodramus savannarum*), chestnut-collared longspur (*Calcarius ornatus*), dabbling duck, eastern kingbird (*Tyrannus tyrannus*), blue jay (*Cyanocitta cristata*), brown thrasher (*Toxostoma rufum*) and yellow warbler (*Setophaga petechial*). Typical large mammals include white-tailed deer, mule deer, pronghorn and bobcat. Smaller common mammals include the white-tailed jackrabbit, white-tailed prairie dog and black-tailed prairie dog. Less common species found within this Section include bighorn sheep (*Ovis canadensis*) and black-tailed jackrabbits. Herpetofauna typical of this section is similar to that of the neighboring Northwestern Glaciated Plains including the snapping turtle, spiny softshell turtle, smooth green snake and prairie rattlesnake.<sup>6</sup>

Within the Northwestern Great Plains ecoregion the proposed route crosses three level IV ecoregions: the Missouri Plateau, the River Breaks and the Little Missouri Badlands Sections. The majority of the proposed route is located on the Missouri Plateau (200.82 miles), west of the Missouri River, where the landscape opens up into a mosaic of spring wheat, alfalfa and grazing land that expands across the prairie where herds of American bison (*Bison bison*), and elk (*Cervus canadensis*) once grazed. Where the proposed route crosses the Missouri River in Williams, McKenzie and Emmons Counties, the River Breaks ecoregion is crossed (48.06 miles total). The River Breaks consist of broken terraces and uplands that descend to the Missouri River. Historically, riparian gallery forests of cottonwood (*Populus deltoides*) and green ash (*Fraxinus pennsylvanica*) persisted along the Missouri River but they have largely been eliminated by the construction of water impoundments.<sup>7</sup> The Little Missouri Badlands Section is briefly encountered on the proposed route for approximately 10.63 miles in the northwestern portion of Dunn County. Badlands are characterized by steep slopes of sedimentary rock, sparse vegetation, and high drainage densities (i.e. ravines, gullies and drainage patterns). Common vegetation in the badlands contains drought-tolerant grasses, forbs, shrubs and trees. Common grass species consists of grama grasses (*Bouteloua* spp.), needle grass (*Heterostipe* spp.) and bluestem species (*Andropogon* spp.); dominant forbs include yucca (*Yucca* spp.), coneflower (*Echinacea* spp.) and prickly pear cactus (*Opuntia* spp.). Common shrub species in the badlands

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<sup>4</sup> U.S. Department of Agriculture. 2015. Chapter 41 Ecological Subregions of the United States,- Chapter 41 Great Plains-Palouse Dry Steppe. Northwestern Great Plains. <http://www.fs.fed.us/land/pubs/ecoregions/ch41.html#331F>. Accessed April 2015.

<sup>5</sup> Bryce, S. A., J. M. Omernik, D. A. Pater, M. Ulmer, J. Schaar, J. Freeouf, R. Johnson, P. Kuck, and S. H. Azevedo. 1996. Ecoregions of North Dakota and South Dakota, (color poster with map, descriptive text, summary tables, and photographs): Reston, Virginia, U.S. Geological Survey (map scale 1:1,500,000).

<sup>6</sup> U.S. Department of Agriculture. 2014. Chapter 41 Ecological Subregions of the United States,- Chapter 41 Great Plains-Palouse Dry Steppe. Northwestern Glaciated Plains. <http://www.fs.fed.us/land/pubs/ecoregions/ch41.html#331D>. Accessed April, 2015.

<sup>7</sup> Bryce, S. A., J. M. Omernik, D. A. Pater, M. Ulmer, J. Schaar, J. Freeouf, R. Johnson, P. Kuck, and S. H. Azevedo. 1996. Ecoregions of North Dakota and South Dakota, (color poster with map, descriptive text, summary tables, and photographs): Reston, Virginia, U.S. Geological Survey (map scale 1:1,500,000).

are sagebrush, buckbrush (*Ceanothus spp.*) and chokeberry (*Aronia spp.*); tree species are comprised of juniper (*Juniperus spp.*), aspens (*Populus spp.*) and ash (*Fraxinus spp.*).<sup>8</sup>

### 3.2 Habitat Types

A wide variety of flora is present within North Dakota's diverse habitats that are along the DAPL Project route. Six general wildlife habitat types were identified throughout the Project area, including grassland, agriculture, developed land, shrubland, wetland and woodland. Habitat types are based on plant species composition, public land data files, interpretation of aerial photos, differences in vegetative cover, and presence of existing facilities, structures, or paved roads. Field surveys were conducted between August and October 2014, to verify habitat types. The vegetative and wildlife species observed during surveys, or that may be expected to use these specific habitats in the Project area are discussed below. Tables 3.2-1 and 3.2-2 summarize the habitat types and associated linear miles along the proposed route.

Habitat Type	Miles Crossed	Percentage of North Dakota Route
Grassland	193.91	54.08%
Agriculture	140.87	39.29%
Developed	12.65	3.53%
Shrubland	4.52	1.26%
Wetland	3.46	0.96%
Woodland	3.17	0.88%
<b>Total</b>	<b>358.58</b>	<b>100%</b>

<sup>8</sup> Herman, G. and L. Johnson. 2008. Habitats of North Dakota, Badlands. North Dakota Game and Fish Department, Bismarck, ND. [http://www.ndstudies.org/pdf/Badlands\\_web.pdf](http://www.ndstudies.org/pdf/Badlands_web.pdf)

**Table 3.2-2  
North Dakota Habitat Types Crossed Within the Dakota Access Pipeline Project Area by County**

	Mountrail		Williams		McKenzie		Dunn		Mercer		Morton		Emmons	
Habitat Type	Miles Crossed within County	Percent of Route within County	Miles Crossed within County	Percent of Route within County	Miles Crossed within County	Percent of Route within County	Miles Crossed within County	Percent of Route within County	Miles Crossed within County	Percent of Route within County	Miles Crossed within County	Percent of Route within County	Miles Crossed within County	Percent of Route within County
Grassland	11.34	48.92%	24.31	32.91%	32.42	52.00%	32.77	62.93%	18.92	66.76%	46.91	64.51%	27.24	59.14%
Agriculture	10.92	47.11%	40.32	54.59%	25.38	40.71%	15.16	29.11%	8.53	30.10%	23.47	32.27%	17.09	37.10%
Developed	0.42	1.81%	7.03	9.52%	1.62	2.60%	0.94	1.81%	0.26	0.92%	1.56	2.15%	0.82	1.78%
Shrubland	0.12	0.52%	0.99	1.34%	2.34	3.75%	1.02	1.96%	0.02	0.07%	0.02	0.03%	0.01	0.02%
Wetland	0.24	1.04%	1.13	1.53%	0.14	0.22%	0.21	0.40%	0.12	0.42%	0.72	0.99%	0.82	1.78%
Woodland	0.14	0.60%	0.08	0.11%	0.45	0.72%	1.97	3.78%	0.49	1.73%	0.04	0.06%	0	0.00%
<b>Total</b>	<b>23.18</b>	<b>100%</b>	<b>73.86</b>	<b>100%</b>	<b>62.35</b>	<b>100%</b>	<b>52.07</b>	<b>100%</b>	<b>28.34</b>	<b>100%</b>	<b>72.72</b>	<b>100%</b>	<b>46.06</b>	<b>100%</b>



## Grasslands

Grassland is the predominant habitat type crossed by the proposed route in North Dakota (193.91 miles, 54.08%) and is comprised of both native mixed-grass prairie and non-native species occupying valley bottoms, plains, foothills, plateaus and benches. Grassland habitats are comprised of grasses, forbs, and shrubs to a lesser extent, but lack tree species. Dominant grass and forb species typically encountered in North Dakota include bluestems species, needle grass, western wheatgrass, blueflower (*Campanula* spp.), coneflower and asters (*Ratibida* spp. and *Gaillardia* spp.).<sup>9</sup>

Vegetation surveys were conducted where access permission was granted along the Project route in order to confirm the presences of grassland habitat identified from the desktop interpretation of aerial images. Grasslands are dominated by non-native vegetation including Kentucky bluegrass (*Poa pratensis*) and/or smooth brome (*Bromus inermis*).

## Agriculture

Agricultural lands are the second most common type of habitat type along the DAPL Project route (140.87 miles, 39.29%) and encompass crops that include wheat (e.g., winter, Durham, and spring), corn (*Zea mays*), soy beans (*Glycine max*), sunflowers (*Helianthus annuus*), flaxseed (*Linum usitatissimum*), alfalfa and canola (*Brassica* spp.).<sup>10</sup>

## Developed Land

Approximately 12.65 miles (3.53%) of the proposed route would cross developed land. Developed land encompasses both high and low density disturbed areas and are typically either sparsely vegetated or lack vegetation due to the presence of impervious structures such as cement foundations, pavement, or gravel pads. Most developed land crossed by the Project primarily consists of existing electric and gas utility right-of-ways, associated facilities, and transportation corridors (roads, railroads, and associated easements).

## Shrubland

Shrubland is encountered on approximately 4.52 miles (1.26%) of the DAPL Project route. This habitat type is encountered in riparian areas, woodland edges and upland depressions where there is a greater amount of available soil moisture than grassland habitat and a lesser amount of available soil moisture than woodland habitat. Common shrub species identified in the Project area include Red-osier dogwood (*Cornus alba*), juniper, silver buffaloberry (*Shepherdia argente*), chokecherry, common buckthorn (*Rhamnus cathartica*), fragrant sumac (*Rhus aromatic*), western snowberry and Tatarian honeysuckle (*Lonicera tatarica*).

## Wetland

Approximately 3.46 miles (0.96%) of the proposed Project centerline would intersect wetland vegetation cover. Wetlands are unique habitats that are saturated with water, either on a permanent or seasonal basis, and contain distinctive aquatic vegetation. Wetlands in North Dakota can have forested, scrub-shrub, or emergent vegetation cover types; however, emergent wetlands are the most commonly documented wetland type along the DAPL Project route.

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<sup>9</sup> PlantNative. 2004. Native Plant List for North Dakota, South Dakota & Western Minnesota. <http://www.plantnative.org/rpl-dakota.htm>. Accessed November 20, 2014.

<sup>10</sup> U.S. Department of Agriculture. 2014. National Agriculture Statistics Service. <http://www.nass.usda.gov/>. Accessed November 18, 2014.

Common emergent wetland species include rushes (*Juncus* spp.), sedges (*Carex* spp.), cattails (*Typha* spp.), cordgrass (*Spartina* spp.) and barley (*Hordeum* spp.).

Dakota Access has conducted wetland investigations within a 400-foot survey corridor along the Project route where access has been granted using the on-site methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and the 2010 USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region.

### Woodland

Woodlands are crossed for approximately 3.17 miles (0.88%) of the proposed route. Woodland habitats are not a significant piece of the North Dakota landscape (they only comprise about 2 percent of the land cover within the state) and include trees, shrubs, vines, grasses, and forbs.<sup>11</sup> Forest types in North Dakota are the Elm-Ash-Cottonwood, Aspen-Birch, Burr Oak, and Ponderosa Pine-Rocky Mountain Juniper complexes; however, the DAPL Project route only crosses through woodland habitats that include species common to the Elm-Ash-Cottonwood complex.<sup>12</sup>

## **4.0 Wildlife**

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A wide variety of wildlife species are resident or seasonal visitors to the DAPL Project area. Information regarding wildlife species and habitat on the Project area was obtained from a review of existing published sources and site-specific surveys. As discussed above, the DAPL Project would cross six habitat types including grassland, agriculture, developed, shrubland, wetland and woodland. Wildlife descriptions discussed in this section include species that have been documented along the proposed route during field surveys or those that may occur along the proposed route based on habitat characteristics. Typical wildlife species that are likely to occur within the Project area are characteristic of the grassland, agriculture, developed, shrubland, wetland and woodland communities of western North Dakota.

### **4.1 Big Game Species**

Big game species that exist within the Project area include pronghorn, white-tailed deer, mule deer and mountain lion.<sup>13</sup> Impacts to big game species would be limited to temporary disturbances associated with construction activities. Based on the vast amount of available habitat within the immediate and regional vicinity of the Project, potential impacts to big game species are anticipated to be low and limited to temporary displacement from areas of construction activity/habitat alteration. It is assumed that big game species would return to the area following construction.

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<sup>11</sup> Herman, G. and L. Johnson. 2008. Habitats of North Dakota, Woodlands. North Dakota Game and Fish Department, Bismarck, ND. [http://www.ndstudies.org/pdf/woodlands\\_web.pdf](http://www.ndstudies.org/pdf/woodlands_web.pdf)

<sup>12</sup> *Ibid.*

<sup>13</sup> North Dakota Game and Fish Department (NDGFD). 2015. Hunting/Trapping. <http://gf.nd.gov/hunting/biggame/index.html>. Accessed April, 2015.

### Pronghorn

Pronghorn primarily range in the extreme southwestern part of North Dakota throughout the year and are expected to be encountered in low numbers in the Project area. Pronghorn require large blocks of open continuous habitat such as sagebrush plains and shortgrass prairie.<sup>14</sup>

### White-tailed deer

White-tailed deer occur throughout the entire Project area and are considered an adaptable species living in a variety of habitats. These deer are the most common big game animal found in North Dakota but are more likely to be encountered where brush cover is available along stream courses.<sup>15</sup>

### Mule deer

Mule deer are found primarily in the badlands adjacent to the Little Missouri River with a secondary range extending north and east to the breaks along the Missouri River. This species of deer feeds on a variety of trees, shrubs and forbs including green ash, aspen, sweetclover (*Melilotus officinalis*) and sagebrush.<sup>16</sup>

### Mountain lion

Mountain lions occur in the Project area mainly in the badlands and Missouri River Breaks regions. However, because mountain lions are capable of traveling great distances, they could traverse all regions of the Project area.<sup>17</sup>

## **4.2 Small Game Species**

Small game species that occur within the Project area comprise of waterfowl, upland game birds, furbearers and small mammals. Project construction would result in the temporary loss of potential small game habitat until reclamation has been completed and vegetation is re-established within the disturbance areas. However, due to the large amount of suitable habitat in the vicinity of the Project area, impacts to small game species are anticipated to be low.

### Waterfowl

A variety of waterfowl species utilize the wetland/waterbody habitats in the vicinity of the Project area. Common waterfowl that nest in and migrate through the Project area and region include Canada goose (*Branta Canadensis*), mallard (*Anas platyrhynchos*), blue-winged teal (*Anas discors*), northern pintail (*Anas acuta*), northern shoveler (*Anas clypeata*), gadwall (*Anas strepera*), American wigeon (*Anas americana*), American coot (*Fulica americana*), wood duck (*Aix sponsa*), canvasback (*Aythya valisineria*), ruddy duck (*Oxyura jamaicensis*) and redhead (*Aythya americana*). Other waterfowl that are common during the migration season but do not, or are not likely to nest within the Project area are the lesser snow goose (*Chen caerulescens*),

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<sup>14</sup> North Dakota Game and Fish Department (NDGFD). 2015. Wildlife and Conservation. <http://gf.nd.gov/wildlife/fish-wildlife/id/mammals/ungulates/pronghorn>. Accessed April, 2015.

<sup>15</sup> North Dakota Game and Fish Department (NDGFD). 2015. Wildlife and Conservation. <http://gf.nd.gov/wildlife/fish-wildlife/id/mammals/ungulates/whitetail>. Accessed April, 2015.

<sup>16</sup> North Dakota Game and Fish Department (NDGFD). 2015. Wildlife and Conservation. <http://gf.nd.gov/wildlife/fish-wildlife/id/mammals/ungulates/mule>. Accessed April, 2015.

<sup>17</sup> North Dakota Game and Fish Department (NDGFD). 2015. Wildlife and Conservation. <http://gf.nd.gov/wildlife/fish-wildlife/id/mammals/carnivores/mountain-lion>. Accessed April, 2015.

green-winged teal (*Anas crecca*), bufflehead (*Bucephala albeola*) and lesser scaup (*Aythya affinis*).<sup>18</sup>

#### Upland game birds

Upland game birds that may occur in the Project area include sharp-tailed grouse, ruffed grouse (*Bonasa umbellus*), Hungarian partridge (*Perdix perdix*), wild turkey (*Meleagris gallopavo*), crows (*Corvus brachyrhynchos*), snipe (*Gallinago delicata*), dove (*Zenaida macroura* and *Streptopelia decaocto*) and woodcock (*Scolopax minor*).<sup>19</sup>

#### Furbearers

Furbearers and predators potentially occurring within the Project area include coyote (*Canis latrans*), beaver (*Castor canadensis*), badger (*Taxidea taxus*), red fox (*Vulpes vulpes*), raccoon (*Procyon lotor*), bobcat, fisher (*Martes pennant*), mink (*Neovison vison*), long-tailed weasel (*Mustela frenata*) and muskrat (*Ondatra zibethicus*). These species are found within all habitat types present in the Project area and region.

#### Small Mammals

Small game mammals occurring in or near the Project area include rabbits and hares, porcupines (*Erethizon dorsatum*), ground squirrels, striped skunks (*Mephitis mephitis*), and prairie dogs.<sup>20</sup> Based on occurrence data received in February 2015 from the NDGF, two identified prairie dog towns are crossed by the Project within Morton County and is discussed further in Section 4.4.1.

### **4.3 Nongame Species**

The Project area supports a variety of nongame species (e.g., mammals, raptors, passerines, amphibians and reptiles). Project activities may result in rare mortalities of less mobile or burrowing nongame species (e.g. small mammals, and reptiles) from collisions with vehicles or equipment. Temporary habitat loss could also negatively impact nongame species. However, due to the large amount of suitable habitat in the Project area impacts to nongame species are anticipated to be low.

Common nongame mammalian species include northern pocket gopher (*Thomomys talpoides*), hispid pocket mouse (*Chaetodipus hispidus*), deer mouse (*Peromyscus maniculatus*) and meadow vole (*Microtus pennsylvanicus*). Numerous songbirds, including the American goldfinch (*Spinus tristis*), black-capped chickadee (*Poecile atricapillus*), cedar waxwing (*Bombycilla cedrorum*), clay-colored sparrow, lark bunting, song sparrow (*Melospiza melodia*), tree swallow (*Tachycineta bicolor*), western kingbird (*Tyrannus verticalis*), western meadowlark and yellow warbler can be expected to occur in the Project vicinity, as are raptors such as bald eagle (*Haliaeetus leucocephalus*), golden eagle, Swainson's hawk, northern harrier (*Circus cyaneus*), red-tailed hawk (*Buteo jamaicensis*) and rough-legged hawk (*Buteo lagopus*).<sup>21</sup>

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<sup>18</sup> North Dakota Game and Fish Department (NDGFD). 2015. Wildlife and Conservation. <http://gf.nd.gov/wildlife/fish-wildlife/id/birds/waterfowl>. Accessed April, 2015.

<sup>19</sup> North Dakota Game and Fish Department (NDGFD). 2015. Small Game Hunting Guide 2014-2015. <http://gf.nd.gov/gnf/regulations/docs/smallgame/small-game-guide.pdf>. Accessed April, 2015.

<sup>20</sup> North Dakota Game and Fish Department (NDGFD). 2015. Hunting/Trapping. <http://gf.nd.gov/hunting/other-species>. Accessed April, 2015.

<sup>21</sup> North Dakota Game and Fish Department (NDGFD). 2015. Wildlife and Conservation. <http://gf.nd.gov/wildlife/fish-wildlife/id>. Accessed April, 2015.

Numerous species of reptiles and amphibians may also occur within the Project area. Some amphibian species that may be expected to occur in the Project area include the northern leopard frog (*Lithobates pipiens*), tiger salamander (*Ambystoma tigrinum*) and western chorus frog (*Pseudacris triseriata*). Reptile species that may be encountered within the Project area include common snapping turtle, western painted turtle (*Chrysemys picta*), common garter snake (*Thamnophis sirtalis*), and racer (*Coluber constrictor*).<sup>22</sup>

#### 4.4 Special Status Wildlife Species

A desktop analysis was conducted to obtain a list of federally-listed threatened and endangered species under the Endangered Species Act (ESA) that may occur along the DAPL Project route in North Dakota. Using the USFWS Endangered Species Database, a search was completed for each county that the DAPL Project crosses and includes the following counties: Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons.<sup>23</sup> The proposed Project has the potential to support five endangered and four threatened species within the Project area. Table 4.4-1 below, outlines the federally listed species within the Project area, federal status, critical habitat crossed by the Project, the counties in which species are listed, and the effect determination. A habitat assessment and applicable conservation measures for each individual species are presented below to provide rationale behind the effect determinations.

Table 4.4-1 Federally Listed Threatened and Endangered Species within the Dakota Access Project Area in North Dakota					
Common Name	Scientific Name	Federal Status	Critical Habitat Crossed by the Project	Counties Listed	Effect Determination
<b>Mammals</b>					
Black-footed ferret	<i>Mustela nigripes</i>	E	No	Dunn, McKenzie, Mercer, Morton	No effect
Gray wolf	<i>Canis lupus</i>	E	No	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	No effect
Northern long-eared bat	<i>Myotis septentrionalis</i>	T	No	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	No effect
<b>Birds</b>					
Least tern	<i>Sterna antillarum</i>	E	No	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	No effect

<sup>22</sup> Hoberg, T. and C. Gause. 1992. Reptiles and amphibians of North Dakota. North Dakota Outdoors 55(1):7-19. Jamestown, ND: Northern Prairie Wildlife Research Center Online. <http://www.npwrc.usgs.gov/resource/herps/amrepnd/index.htm>.

<sup>23</sup> USFWS. 2014. Endangered Species Database. <http://www.fws.gov/endangered/>. Accessed November 18, 2014.

Table 4.4-1 Federally Listed Threatened and Endangered Species within the Dakota Access Project Area in North Dakota					
Common Name	Scientific Name	Federal Status	Critical Habitat Crossed by the Project	Counties Listed	Effect Determination
Piping plover	<i>Charadrius melodus</i>	T	Yes, located along the Missouri River in North Dakota	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	May affect, not likely to adversely affect
Rufa red knot	<i>Calidris canutus rufa</i>	T	No	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	No effect
Whooping crane	<i>Grus americana</i>	E	No	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	No effect
<b>Fishes</b>					
Pallid sturgeon	<i>Scaphirhynchus albus</i>	E	No	Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail, Williams	No effect
<b>Invertebrates</b>					
Dakota skipper	<i>Hesperia dacotae</i>	T	No	Dunn, McKenzie, Mountrail	May affect, likely to adversely affect
Federal Status Abbreviations: E= Endangered species T= Threatened species					

#### 4.4.1 Mammals

##### **Black-footed Ferret (*Mustela nigripes*)**

The black-footed ferret is listed within the Project area in North Dakota in Dunn, McKenzie, Mercer and Morton counties. The species, historically found throughout the Great Plains region, is an extreme specialist that is highly dependent on prairie dogs (*Cynomys* spp.) for food and shelter sources. Two prairie dog towns are crossed by the Project based on NDGF occurrence data. However these prairie dog towns are less than approximately 20 acres in size, therefore not suitable habitat for the black-footed ferret. Additionally, there are no documented breeding adults in the state.<sup>24</sup> Therefore, the proposed Project would have no effect on this species.

<sup>24</sup> U.S. Fish and Wildlife Service. 2013. Black-footed Ferret Draft Recovery Plan: Second Revision. <http://www.fws.gov/mountain-prairie/species/mammals/blackfootedferret/2013DraftRevisedRecoveryPlan.pdf>. Accessed February, 2015.

### **Gray Wolf (*Canis lupus*)**

The gray wolf is federally listed in North Dakota within Dunn, Emmons, McKenzie, Mercer, Morton, Mountrail and Williams counties. The gray wolf is a highly mobile species and it would likely avoid the Project area due to construction-related noise. However, because sightings of wolves are rare in North Dakota, and there is no breeding population present, it has been determined that the Project will have no effect on the species.<sup>25</sup>

### **Northern long-eared bat (*Myotis septentrionalis*)**

The species is currently listed by the USFWS as threatened in North Dakota. On April 2, 2015, the USFWS published the final listing in the Federal Registrar with an effective date of May 4, 2015. The USFWS listed the northern long-eared bat as threatened and chose to exercise the option of issuing an interim 4(d) rule to allow for more flexible implementation of the ESA and “to tailor prohibitions to those that make the most sense for protecting and managing at-risk species”. The implementation of the interim 4(d) rule for the northern long-eared bat exempts a suite of activities in areas within 150 miles of White Nose Syndrome (“WNS”) (*Pseudogymnoascus destructans*) positive counties, provided certain conservation measures are adhered to. In areas outside of the 150-mile WNS buffer zone, incidental take from lawful activities will be allowed. The state of North Dakota currently falls outside of the WNS 150-mile buffer zone. Per the exemptions of the interim 4(d) rule, the Project would not negatively impact the northern long-eared bat.<sup>26</sup>

## **4.4.2 Birds**

### **Interior Least tern (*Sterna antillarum athalassos*)**

In North Dakota, the interior least tern utilizes sparsely vegetated sandbars on the Missouri River. Birds nest, raise young, and forage on barren river sandbars. The species is found primarily on the Missouri River from Garrison Dam south to Lake Oahe, and also on the Missouri and Yellowstone Rivers upstream of Lake Sakakawea. Approximately 100 pairs breed in North Dakota during the summer before flying to coastal areas of Central and South America and the Caribbean Islands.<sup>27</sup> The interior least tern is listed within all counties crossed by the Project in North Dakota. The Project crosses potential interior least tern habitat at the two Missouri River crossings in North Dakota within Williams, McKenzie, Morton and Emmons counties. However, these two Missouri River crossings would be constructed via horizontal directional drilling (HDD) and no effect to this species is anticipated as a result of construction or operation of the proposed Project.

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<sup>25</sup> U.S. Fish and Wildlife Service. 2012. Lower 48-State and Mexico Gray Wolf (*Canis lupus*) listing as revised 5-Year Review: Summary and Evaluation. [http://ecos.fws.gov/docs/five\\_year\\_review/doc3978.%20lupus%205-YR%20review%20PDF.pdf](http://ecos.fws.gov/docs/five_year_review/doc3978.%20lupus%205-YR%20review%20PDF.pdf). Accessed February, 2015.

<sup>26</sup> U.S. Fish and Wildlife Service. 2015. Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Northern Long-Eared Bat With 4(d) Rule. <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/FRnlebFinalListing02April2015.pdf>. Accessed April, 2015.

<sup>27</sup> U.S. Fish and Wildlife Service. 2013. North Dakota Field Office; Interior Least Tern (*Sterna antillarum*). [http://www.fws.gov/northdakotafieldoffice/endspecies/species/least\\_tern.htm](http://www.fws.gov/northdakotafieldoffice/endspecies/species/least_tern.htm).

### **Piping plover (*Charadrius melodus*)**

In the Northern Great Plains, piping plovers use shorelines of prairie freshwater lakes, alkaline wetlands and major river systems, including the Missouri River in North Dakota, as primary courtship, nesting, foraging, sheltering, brood-rearing, and dispersal habitat. The piping plover is listed as threatened in all counties crossed by the Project within North Dakota. To date, the Missouri River crossings and alkaline wetlands have been identified as potential suitable habitat within the Project area. These two Missouri River crossings would be constructed via HDD, therefore impacts to this species at these crossings are not anticipated. Dakota Access will continue consultations with the USFWS for potential impacts to the piping plover.

### **Piping Plover Critical Habitat**

The USFWS has designated piping plover critical habitat in the Missouri River system throughout North Dakota. Critical habitat for piping plover is crossed by the proposed route in North Dakota at the two Missouri River crossings located in Williams, McKenzie, Morton and Emmons counties. However, Dakota access plans to cross all designated piping plover critical habitat via HDD and it is anticipated that the Project would have no effect on piping plover critical habitat.

### **Rufa red knot (*Calidris canutus rufa*)**

The red knot is a migrant and does not breed in North Dakota but is noted for its long-distance migration between summer breeding grounds in the Arctic and wintering areas in the Southern Hemisphere. Some red knots wintering in the northwestern Gulf of Mexico migrate through interior North America during both spring and fall and use stopover sites in the Northern Great Plains. The species relies heavily on exposed substrate at wetland edges for stopover habitat; the suitability of a wetland for red knots depends on water levels and may vary annually.<sup>28</sup> Additionally, red knots have been reported to forage in cultivated fields when migrating through interior North America. As the red knot is a migrant species within the vicinity of the Project, the species cannot be confirmed as present in or absent from the Project area. Potential impacts to the red knot are limited to migrating individuals who would likely elect not to land or overnight within or near the construction activities. Accordingly, a no effect determination has been reached for this species.

### **Whooping crane (*Grus americana*)**

Whooping cranes embark on a bi-annual migration from summer nesting and breeding grounds in Wood Buffalo National Park in northern Alberta to the barrier islands and coastal marshes of the Aransas National Wildlife Refuge on the Gulf Coast of Texas. Twice yearly in the spring and fall, the cranes migrate along the Central Flyway, a migratory corridor approximately 220 miles wide and 2,400 miles in length and includes eastern Montana and portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and eastern Texas.<sup>29</sup> During the migration, cranes make numerous stops, roosting in large shallow marshes, and feeding in harvested grain fields. Approximately 75% of the whooping crane state sightings in North Dakota occur within the

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<sup>28</sup> Gratto-Trevor, C.L., G. Beyersbergen, H.L. Dickson, P. Erickson, R. MacFarlane, M. Raillard, and T. Sadler. 2001. Prairie Canada Shorebird Conservation Plan. Prairie Habitat Joint Venture, Canadian Wildlife Service. Edmonton, Alberta.

<sup>29</sup> USFWS. 2014. Species profile: Whooping Crane (*Grus americana*). Environmental Conservation Online System. <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B003>.



Central Flyway. In North Dakota, the whooping crane is not present year-round; they are only present during the twice-yearly migration between winter grounds and summer nesting sites.

As the whooping crane is a migrant and does not breed in North Dakota, the species cannot be confirmed as present in or absent from the Project area. Ongoing construction activities during the migration periods would likely cause birds to choose more suitable landing and overnight roosting locations outside the immediate project area in the general vicinity given the abundance of similar habitat throughout the flyway and general project area. Accordingly, a no effect determination has been reached for this species.

#### 4.4.3 Fish

##### Pallid sturgeon (*Scaphirhynchus albus*)

The pallid sturgeon is the only fish species listed by the USFWS as endangered in North Dakota. The pallid sturgeon's preferred habitat includes the benthic environment associated with swift waters of large turbid, free-flowing rivers with braided channels, dynamic flow patterns, periodic flooding of terrestrial habitats, and requiring extensive micro habitat diversity.<sup>30</sup> Impacts to pallid sturgeon breeding and foraging habitat are not anticipated as the pipeline will be installed via HDD beneath any potentially suitable habitat (i.e. the two Missouri River crossings). No effect on the species is anticipated.

#### 4.4.4 Invertebrates

##### Dakota skipper (*Hesperia dacotae*)

The Dakota skipper is listed as a threatened species under ESA. The USFWS county distribution lists indicate that the species is known to occur in Mountrail, McKenzie and Dunn counties in North Dakota through which DAPL crosses. The Dakota skipper is a small butterfly characterized by a quick, skipping flight and a short, sturdy body. The species is an obligate of high-quality prairie habitat (i.e., grasslands or discrete patches of habitat within grasslands that are predominantly native and that have not been tilled). The species inhabits dry- and wet-mesic tallgrass and mesic mixed grass prairie remnants characterized by alkaline and composite soils.<sup>31</sup> Only 146 populations are known to be extant in three states and two Canadian provinces.<sup>32</sup>

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<sup>30</sup> USFWS. 2014. Revised recovery plan for the Pallid sturgeon (*Scaphirhynchus albus*). Denver, Colorado: Mountain-Prairie Region, U.S. Fish & Wildlife Service.

<sup>31</sup> McCabe, T.L. 1981. The Dakota skipper, *Hesperia dacotae* (Skinner): range and biology with special reference to North Dakota. *Journal of the Lepidopterists' Society* 35(3):179-193.

Royer, R.A. and G.M. Marrone. 1992. Conservation status of the Dakota skipper (*Hesperia dacotae*) in North and South Dakota. U.S. Fish & Wildlife Service. Denver, Colorado. p.44.

<sup>32</sup> McCabe, T.L. 1981. The Dakota skipper, *Hesperia dacotae* (Skinner): range and biology with special reference to North Dakota. *Journal of the Lepidopterists' Society* 35(3):179-193.

Royer, R.A. and G.M. Marrone. 1992. Conservation status of the Dakota skipper (*Hesperia dacotae*) in North and South Dakota. p.44. U.S. Fish & Wildlife Service. Denver, Colorado.

Cochrane, J.F. and P. Delphey. 2002. Status Assessment and Conservation Guidelines; Dakota Skipper *Hesperia dacotae* (Skinner) (Lepidoptera: Hesperiidae); Iowa, Minnesota, North Dakota, South Dakota, Manitoba, Saskatchewan. p.80. U.S. Fish & Wildlife Service, Twin Cities Field Office, Minnesota.

USFWS. 2011. Species Assessment and Listing Priority Assignment Form, Dakota Skipper. p.49. Washington, DC.

USFWS. 2013. Endangered and Threatened Wildlife and Plants; Threatened status for Dakota skipper and Endangered Status for Poweshiek skipperling; and Designation of critical habitat for the Dakota skipper and Poweshiek skipperling. Proposed Rule. 50 Federal Register 78(206): 63574 (October 24, 2013).

Remaining populations vary in size and density and for the most part are not influenced by dispersal between populations.<sup>33</sup> In North Dakota, the skipper typically occupies both wet- and dry-mesic prairie.<sup>34</sup>

Suitable habitat may be impacted if construction activities take place within occupied suitable habitat, primarily by the removal of native prairie vegetation and trenching untilled grasslands. While native prairie plant species may be replanted, the function of the sod cannot be returned to its original condition once it has been broken, thereby permanently altering the function of the prairie. Temporary disturbances such as native plant removal may affect the foraging, breeding and sheltering behaviors of individual skippers, and as such, cause harm, injury or mortality. Field surveys identifying Dakota skipper suitable habitat will continue in the 2015 field season in coordination with continuing USFWS consultations.

### **Dakota Skipper Critical Habitat**

Critical habitat for the Dakota skipper is proposed in one county crossed by the Project, McKenzie County, North Dakota. The nearest proposed critical habitat unit in McKenzie County is a minimum of approximately 5.5 miles from the Project route. Therefore, the Project would have no effect on the Dakota skipper proposed critical habitat.

### **5.0 Agency Consultations**

Dakota Access initiated consultation with relevant agencies regarding protected species, suitable habitat and other specific locations of concern.

### **U.S. Fish and Wildlife Service**

Dakota Access first reached out to the USFWS North Dakota Field Office in the summer of 2014 about the DAPL Project to confirm protected species and specific locations of concern. Additionally, the various USFWS regions and field offices that the DAPL Project crosses consulted to determine that the Rock Island Office in Region 3 would take the lead on the DAPL Project with coordination and input from all affected field offices.

During threatened and endangered species coordination with the USFWS, wetland and grassland easements under the jurisdiction of the USFWS National Wildlife Refuge System were identified

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<sup>33</sup> McCabe, T.L. 1981. The Dakota skipper, *Hesperia dacotae* (Skinner): range and biology with special reference to North Dakota. Journal of the Lepidopterists' Society 35(3):179-193.

Dana, R. 1991. Conservation management of the prairie skippers *Hesperia dacotae* and *Hesperia ottoe*: Basic biology and threat of mortality during prescribed burning in spring. Station Bulletin. p.63. Minnesota Agricultural Experiment Station, University of Minnesota, St. Paul.

Dana, R. 1997. Characterization of three Dakota skipper sites in Minnesota. P.17. Minnesota Department of Natural Resources, Natural Heritage and Nongame Research Program, St. Paul.

Cochrane, J.F. and P. Delphey. 2002. Status Assessment and Conservation Guidelines; Dakota Skipper *Hesperia dacotae* (Skinner) (*Lepidoptera: Hesperidae*); Iowa, Minnesota, North Dakota, South Dakota, Manitoba, Saskatchewan. p.80. U.S. Fish & Wildlife Service, Twin Cities Field Office, Minnesota.

<sup>34</sup> Royer, R.A. and G.M. Marrone. 1992. Conservation status of the Dakota skipper (*Hesperia dacotae*) in North and South Dakota. U.S. Fish & Wildlife Service. Denver, Colorado. p.44. Royer, R.A. and G.M. Marrone. 1992. Conservation status of the Dakota skipper (*Hesperia dacotae*) in North and South Dakota. p.44. U.S. Fish & Wildlife Service. Denver, Colorado.

Cochrane, J.F. and P. Delphey. 2002. Status Assessment and Conservation Guidelines; Dakota Skipper *Hesperia dacotae* (Skinner) (*Lepidoptera: Hesperidae*); Iowa, Minnesota, North Dakota, South Dakota, Manitoba, Saskatchewan. p.80. U.S. Fish & Wildlife Service, Twin Cities Field Office, Minnesota.

within the North Dakota Project area. The Project crosses both grassland and wetland easements within North Dakota. Grassland easements are an agreement between the landowner and the USFWS to keep their land in grass and limit the time of year for mowing, haying and grass seed harvest. Wetland easements are an agreement between the landowner and the USFWS to protect wetlands from being drained, leveled, filled, or burned. Both grassland and wetland easements are to provide and protect waterfowl habitat, and other wildlife that utilize similar habitats. In addition to habitat, these easements aim to protect the functions and values that these habitats provide to the surrounding areas.

The initial Project centerline crossed through seven easements, all located within Emmons County, North Dakota. Since these easement locations were identified early on in the design phase of the Project, Dakota Access was able to adjust the centerline route and avoid all easements (confirmation of avoidance is included in **Appendix A**). However, updated easement data for the Project area acquired in February 2015 disclosed five new easements that would be crossed in North Dakota. The five new easements consist of four wetland easements (conventionally crossed) and one grassland easement (to be crossed via HDD). Dakota Access is working with the USFWS to gain approval for such crossings.

### **U.S. Department of Agriculture, Farm Service Agency**

Dakota Access consulted with the North Dakota Farm Service Agency (FSA) in Fargo, North Dakota, on November 17, 2014, as well as with county FSA offices in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties on November 19, 2014. FSA responded on November 21, 2014 stating that lands enrolled in Conservation Reserve Program (CRP) are privately owned, that the presence of CRP land crossed by the DAPL Project falls under the Freedom of Information Act (FOIA), and the FSA cannot provide specific information without a FOIA request.

FSA has administrative responsibilities to ensure the provisions of CRP are maintained throughout the contract period. FSA stated that CRP lands shall not have the cover disturbed during the Primary Nesting and Brood Rearing Season (April 15 through August 1) unless disturbance of the existing cover is minimal and a waiver of this provision is granted by the FSA. A copy of the consultations with the FSA offices is included in **Appendix A**. To date, six tracts containing CRP Easements have been identified, of which Dakota Access has acquired four easements across.

### **U.S. Department of Agriculture, Natural Resources Conservation Service**

Dakota Access initiated consultation with Natural Resources Conservation Service (NRCS) November 15, 2014, regarding potential impacts to the CRP, Wetlands Reserve Program (WRP), and Grassland Reserve Program (GRP), among others. A response was received November 17, 2014, requesting additional information and indicating that the NRCS currently has GRP/WRP easements in Mountrail, Morton, and McKenzie counties. An additional response with shapefiles was provided the same day. The NRCS responded again November 17, noting that they had determined there will be no impact to NRCS easements in North Dakota. A copy of the correspondence is included in **Appendix A**.

### **North Dakota Game and Fish Department**

Dakota Access consulted with NDGF Department on November 15, 2014, regarding state conservation priority species, game refuges, game management areas, and Private Land Open to

Sportsmen (PLOTS) lands. A copy of the consultation sent to the Department can be found in **Appendix A**.

On December 17, 2014, NDGF provided a response letter requesting avoidance of impacts to native prairie, wooded draws, wetlands and state-classified fisheries waters, as well as implementation of measures to avoid introduction or movement of aquatic nuisance species. NDGF also provided sources for information regarding Wildlife Management Areas and PLOTS lands. NDGF responded that the Project is not expected to have significant adverse effects on wildlife or wildlife habitat, including species of conservation priority, provided recommendations are implemented where appropriate. A copy of this correspondence is included in **Appendix A**.

### **North Dakota Parks and Recreation Department**

Dakota Access consulted with North Dakota Parks and Recreation Department (NDPR) on November 15, 2014, regarding North Dakota Natural Heritage Inventory system data, state parks, recreation areas, natural areas, and Land and Water Conservation Fund sites. A copy of the consultation sent to the Department is included in **Appendix A**.

On December 10, 2014, NDPR responded providing information on the location of Land and Water Conservation Fund sites and designated Scenic Byways or Backways. The NDPR also provided North Dakota Natural Heritage Inventory database information on plant or animal species of concern or other significant ecological communities that are known to occur within an approximate one-mile radius of the DAPL Project area.

Based on review of the information provided by NDPR, there is one known occurrence of piping plover within the Project study area at the crossing of Lake Oahe. This species was last observed at this location June 6, 2002. The HDD method will be used to install the pipeline at Lake Oahe. See Section 4.2.2 of this report for further discussion of potential impacts to piping plover and mitigative measures to be used.

One occurrence of pallid sturgeon was recorded at the confluence of the Cannonball and Missouri Rivers approximately 0.3-mile south of the Project on July 3, 1973. See Section 4.4.3 of this report for a discussion of potential impacts to pallid sturgeon and mitigative measures to be used.

# **APPENDIX A**

## **Consultation Documents**

**From:** Ashley Thompson [<mailto:athompson@perennialenv.com>]  
**Sent:** Wednesday, November 12, 2014 8:51 AM  
**To:** Joe Sedarski  
**Cc:** Dennis Woods  
**Subject:** FW: FW: DAPL ND Maps Indicating Avoidance of USFWS Easements

Hi Joe,

Below is email confirmation that you are good to go for easement avoidance in ND. Keep me posted if anything changes so USFWS can review.

Thanks  
Ashley

**From:** Hoistad, Harris [[mailto:harris\\_hoistad@fws.gov](mailto:harris_hoistad@fws.gov)]  
**Sent:** Wednesday, November 12, 2014 8:47 AM  
**To:** Ashley Thompson  
**Subject:** Re: FW: DAPL ND Maps Indicating Avoidance of USFWS Easements

Ashley,

**Based on the PDF file ( DAPL\_REV4\_USFWS\_Easements\_ND ) the route outlined will avoid all easement interests the Service currently holds in Emmons County, ND.**

**If the route changes, additional reviews will need to be completed.**

**Thanks for your efforts to avoid our easements. Please let me know if you need additional information.**

On Tue, Nov 11, 2014 at 1:37 PM, Ashley Thompson <[athompson@perennialenv.com](mailto:athompson@perennialenv.com)> wrote:

Hi Harris,

Please see the attached maps from Merjent (the consultant for the North Dakota section of the pipeline) of the ND route adjacent to the few easements they have up there. This is based on the easement files that we received from Sue over the summer. Merjent was concerned about the easement files not lining up with the tract files in some locations. But it looks to be just a projection issue? Let us know if you have any questions or need anything else from us to complete the review of no easement crossings for ND.

It looks like the centerline you have been working off of for South Dakota is good for the southern part of ND where the easements are located. So if you want to look at the route in google earth, I think you are ok using the centerline file you already have.

Thank you Harris.

Ashley

**From:** Joe Sedarski [mailto:[jsedarski@merjent.com](mailto:jsedarski@merjent.com)]  
**Sent:** Monday, November 10, 2014 4:00 PM  
**To:** Ashley Thompson  
**Cc:** Howard, Monica; Kevin Mueller; Chad Anderson; Jim Arndt; Kristina DeName; John Seaberg; Jennifer Kamm  
**Subject:** DAPL ND Maps Indicating Avoidance of USFWS Easements

Hi Ashley,

As we discussed last Friday, please find attached pdf maps indicating recent DAPL ND reroutes that show avoidance of USFWS-provided easement areas. Please note the slight shift of USFWS easement areas shown is based upon the information we received to compile this, and may need to be reviewed/discussed with USFWS when you coordinate with them on this matter. We understand you will provide this to your USFWS contact, the USFWS will review and concur (or respond with questions).

Let us know if you need anything else for coordination in ND, or if you have any questions or comments on this information. Please keep us informed of outcome of USFWS review and concurrence with this information, so we can use that for applicable PSC and COE permit applications, etc., and we will plan to use your email correspondence to show this agency outreach.

Thanks and

Best,

Joe



**Joe Sedarski**

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Harris J. Hoistad  
Project Leader  
Sand Lake NWR Complex  
39650 Sand Lake Drive  
Columbia, SD 57433  
605-885-6320



**From:** Hagel, Todd - NRCS, Bismarck, ND [<mailto:Todd.Hagel@nd.usda.gov>]  
**Sent:** Monday, November 17, 2014 2:37 PM  
**To:** Jennifer Kamm  
**Subject:** RE: Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC

Hi Jennifer. After review of the proposed pipeline route, we have determined there will be no impact to NRCS easements in North Dakota. If you have any further questions feel free to contact me.

**From:** Jennifer Kamm [<mailto:jkamm@merjent.com>]  
**Sent:** Monday, November 17, 2014 12:14 PM  
**To:** Hagel, Todd - NRCS, Bismarck, ND  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** RE: Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC

Todd,

Attached is a shapefile of the Dakota Access Pipeline Project as requested. Please let me know if you need anything further for your review.

All the best,  
Jennifer

**merjent**

**Jennifer Kamm**

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**From:** Hagel, Todd - NRCS, Bismarck, ND [<mailto:Todd.Hagel@nd.usda.gov>]  
**Sent:** Monday, November 17, 2014 7:42 AM  
**To:** Jennifer Kamm  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** RE: Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC

Jennifer. Thank you for the opportunity to comment. At this time we have GRP/WRP easements in Mountrail, Morton, and McKenzie Counties. Can you provide me with a detailed route of the proposed project so that I may determine if our easements will be impacted.

**From:** Jennifer Kamm [<mailto:jkamm@merjent.com>]

**Sent:** Saturday, November 15, 2014 3:43 PM

**To:** Hagel, Todd - NRCS, Bismarck, ND

**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson

**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC

Dear Mr. Todd Hagel:

Thank you for taking the time to speak with me on the phone on Wednesday, November 12, 2014, regarding the Dakota Access Pipeline Project. This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

The DAPL Project will enable 100 percent domestically produced light sweet crude oil from North Dakota to reach major U.S. refining markets in a more direct, cost-effective, safe and environmentally responsible manner. It will reduce the current use of rail and truck transportation with an initial transport of approximately 450,000 barrels per day with a capacity as high as 570,000 based on customer demand, which could represent approximately half of the Bakken current production of crude.

In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction though eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota

Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the Natural Resources Conservation Service oversees impacts to the Conservation Reserve Program, Wetlands Reserve Program, and Grassland Reserve Program, among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has be contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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Suite 315	612.875.0543 cell
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United States Department of Agriculture

November 21, 2014

Farm and  
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Agricultural  
Services

Farm  
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Agency

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North Dakota State  
Office

1025 28<sup>th</sup> St. South  
Fargo, ND 58103-  
2372

Phone: (701) 239-  
5224

Fax: (855) 813-6644

Dear Ms. Kamm,

This letter is in response to your November 19, 2014 email concerning the proposed Dakota Access Pipeline Project (DAPL Project) in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties of North Dakota.

Based on the information in your November 19<sup>th</sup> email, it is possible the project could begin in late 2015, furthermore, it is unknown if, at any time, the DAPL Project will be crossing land enrolled in the Conservation Reserve Program (CRP). Although the land enrolled in CRP is privately owned, FSA has administrative responsibilities to ensure the provisions of CRP are maintained throughout the contract period.

The land enrolled in CRP shall not have the cover disturbed during the Primary Nesting and Brood Rearing Season (PNS), which in North Dakota, is from April 15 through August 1. No activity is to take place on CRP during the PNS. However, there are exceptions to this provision. If disturbance of the existing cover is minimal, a waiver of this provision could be granted.

If the DAPL Project will need access to CRP during the PNS, a formal request to waive this provision must be submitted prior to any disturbance of CRP cover. Only the North Dakota State FSA Committee has the authority to grant a waiver of activity during the PNS. Therefore, if necessary, the request to disturb cover during the PNS shall be sent to the North Dakota State FSA Committee at the address provided on the letterhead of this letter. Such a request should include the proposed timeframe construction will occur, impact to the land enrolled in CRP and plans to restore CRP cover, if necessary.

Furthermore, your November 19<sup>th</sup> email contained a request to review the presence of CRP and/or CREP in the DAPL Project area. That request falls under the Freedom of Information Act and I will respond to that request under separate cover.

If there are any questions, please contact this office.

Sincerely,

Aaron Krauter  
State Executive Director

Cc: Mountrail, Williams, McKenzie, Dunn, Mercer, Morton & Emmons FSA County Offices  
District Directors Leith, Honeyman & Moszer

## Chad Anderson

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**From:** Jennifer Kamm  
**Sent:** Monday, November 17, 2014 10:21 AM  
**To:** Bryan.Olschlager@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** FW: Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Mr. Brian Ohslager:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

The DAPL Project will enable 100 percent domestically produced light sweet crude oil from North Dakota to reach major U.S. refining markets in a more direct, cost-effective, safe and environmentally responsible manner. It will reduce the current use of rail and truck transportation with an initial transport of approximately 450,000 barrels per day with a capacity as high as 570,000 based on customer demand, which could represent approximately half of the Bakken current production of crude.

In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction through eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Farm Service Agency oversees impacts to the Conservation Reserve Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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## Chad Anderson

---

**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 9:40 AM  
**To:** aaron.paul@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Mr. Aaron Paul:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

The DAPL Project will enable 100 percent domestically produced light sweet crude oil from North Dakota to reach major U.S. refining markets in a more direct, cost-effective, safe and environmentally responsible manner. It will reduce the current use of rail and truck transportation with an initial transport of approximately 450,000 barrels per day with a capacity as high as 570,000 based on customer demand, which could represent approximately half of the Bakken current production of crude.

In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction through eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Mountrail County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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## Chad Anderson

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**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 10:01 AM  
**To:** corey.paryzek@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Mr. Corey Paryzek:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

The DAPL Project will enable 100 percent domestically produced light sweet crude oil from North Dakota to reach major U.S. refining markets in a more direct, cost-effective, safe and environmentally responsible manner. It will reduce the current use of rail and truck transportation with an initial transport of approximately 450,000 barrels per day with a capacity as high as 570,000 based on customer demand, which could represent approximately half of the Bakken current production of crude.

In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction through eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Williams County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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[jkamm@merjent.com](mailto:jkamm@merjent.com)

## Chad Anderson

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**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 9:36 AM  
**To:** Marcy.feilmeier@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Ms. Marcy Feilmeier:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

The DAPL Project will enable 100 percent domestically produced light sweet crude oil from North Dakota to reach major U.S. refining markets in a more direct, cost-effective, safe and environmentally responsible manner. It will reduce the current use of rail and truck transportation with an initial transport of approximately 450,000 barrels per day with a capacity as high as 570,000 based on customer demand, which could represent approximately half of the Bakken current production of crude.

In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction through eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, McKenzie County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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## Chad Anderson

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**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 9:50 AM  
**To:** joan.morris@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Ms. Joan Morris:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

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Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Dunn County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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[jkamm@merjent.com](mailto:jkamm@merjent.com)

## Chad Anderson

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**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 9:52 AM  
**To:** toni.moore@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Toni Moore:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

The DAPL Project will enable 100 percent domestically produced light sweet crude oil from North Dakota to reach major U.S. refining markets in a more direct, cost-effective, safe and environmentally responsible manner. It will reduce the current use of rail and truck transportation with an initial transport of approximately 450,000 barrels per day with a capacity as high as 570,000 based on customer demand, which could represent approximately half of the Bakken current production of crude.

In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction through eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, depending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Mercer County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

TractorWorks Building  
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Minneapolis, MN 55401

612.746.3660 main  
612.354.4284 direct  
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[www.merjent.com](http://www.merjent.com)

[jkamm@merjent.com](mailto:jkamm@merjent.com)



## Chad Anderson

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**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 9:38 AM  
**To:** linda.urlacher@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Ms.Linda Urlacher:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

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As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Morton County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

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Sincerely,

Jennifer Kamm



**Jennifer Kamm**

TractorWorks Building  
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[jkamm@merjent.com](mailto:jkamm@merjent.com)

## Chad Anderson

---

**From:** Jennifer Kamm  
**Sent:** Wednesday, November 19, 2014 9:47 AM  
**To:** daniel.weber@nd.usda.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Mr. Daniel Weber:

This email is being sent to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

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As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the U.S. Department of Agriculture, Emmons County Farm Service Agency oversees impacts to the Conservation Reserve Program and Conservation Reserve Enhancement Program among others. We request a review of the Project area for the presence or absence of lands enrolled in these Programs, and request information with regards to specific seeding requirements as they pertain to any of these Programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



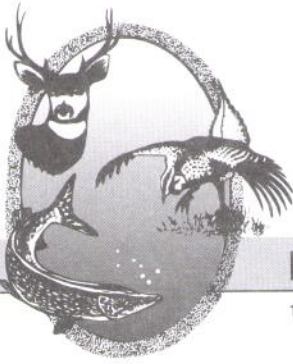
**Jennifer Kamm**

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"VARIETY IN HUNTING AND FISHING"

## NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

December 17, 2014

Jennifer Kamm  
Tractor Works Building  
800 Washington Avenue, Suite 315  
Minneapolis, MN 55401

Dear Ms. Kamm:

RE: Dakota Access Pipeline Project

Dakota Access, LLC is proposing to construct a new approximately 1,100-mile-long light crude oil pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

A primary concern with this project is the possible disturbance of native prairie and wooded draws, including riparian corridors, associated with construction of the pipeline and access roads. We ask that work within these areas be avoided to the extent possible, every effort be made to prevent destruction of woody vegetation, and disturbed areas be reclaimed to pre-project conditions.

The Department manages several Wildlife Management Areas (WMA's) adjacent to the proposed project corridor. A special use permit would be required if these lands will be crossed or otherwise impacted. Information regarding WMA locations is available in various formats at <http://gf.nd.gov/maps/>. Mr. Kent Luttschwager, Wildlife Resource Management Supervisor, can be contacted at 701-774-4320 for information on permissible activities and permit requirements.

The pipeline route will cross numerous classified fisheries, including the Missouri, Little Missouri, Heart, Little Heart, Knife, Little Muddy, and White Earth Rivers; Beaver, Spring, Cherry, and Hailstone Creeks; and Lake Oahe. We recommend that these waterways be crossed by directional boring to protect the resource. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation.

Aquatic nuisance species (ANS) are a major concern in North Dakota. State law requires that the contractor, including any and all subcontractors involved in this project, take appropriate precautions to prevent the introduction or movement of ANS within the state. The contractor should provide the department a reasonable opportunity to inspect any equipment prior to these items being launched or placed into waters of the state. The department's Aquatic Nuisance Species Coordinator, Mr. Fred Ryckman, can be contacted at 701-770-0920 for equipment inspections or additional information regarding ANS prevention protocols.

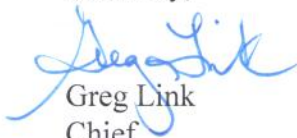
The National Wetland Inventory indicates various wetlands within the proposed project corridor. Steps should be taken to protect any wetlands that cannot be avoided, no alterations should be made to existing drainage patterns, and above-ground appurtenances should not be placed in wetland areas. Unavoidable destruction or degradation of wetland acres should be mitigated in kind.

We recommend that aerial surveys be conducted for raptor nests before construction begins. Our records indicate several bald and golden eagle nests located in close proximity to the project area. We recommend that a ½-mile construction buffer be implemented around active eagle nest sites (known occupied within the past 5 years). Ms. Sandra Johnson, Conservation Biologist, can be contacted at 701-328-6327 for additional information on active golden eagle nests in North Dakota.

We do not believe this project will have significant adverse effects on wildlife or wildlife habitat, including species of conservation priority, provided these recommendations are implemented where appropriate.

Private Lands Open to Sportsmen (PLOTS) is a public access program which cost-shares with private landowners to help conserve fish and wildlife habitat. PLOTS lands are not owned or managed by the ND Game and Fish Department. Information regarding PLOTS locations is available at: <http://gf.nd.gov/hunting/private-land-open-sportsmen>. This page is updated to reflect changes as tracts are added or removed.

Sincerely,



Greg Link  
Chief  
Conservation & Communication Division

js

## Chad Anderson

---

**From:** Jennifer Kamm  
**Sent:** Saturday, November 15, 2014 3:11 PM  
**To:** ndgf@nd.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Mr. Steve Dyke,

Thank you for taking the time to speak with me on the phone on Wednesday, November 12, 2014, regarding the Dakota Access Pipeline Project. This email is being sent as a follow up to the phone call to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

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In North Dakota, the DAPL Project consists of two main pipeline components (Supply Line and Mainline) and six (6) tank/pump stations. It is located in seven North Dakota counties including Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties. The northern pipeline Supply Line route, which will commence near Stanley and head west then south around Lake Sakakawea, ultimately terminating at Johnson's Corner west of Watford City. This approximate 148 mile long Supply Line will connect six (6) planned tank facilities with pump stations. The diameter of this pipeline is 12" as it starts at Stanley and increases to 20", 24" and 30" diameter as the volume of product increases.

At Johnson's Corner, the southeastern most collection point, the Supply Line component terminates and the 30-inch-diameter Mainline commences heading in a general southeast direction through eastern South Dakota, across Iowa and into Illinois terminating at Patoka, IL where it will interconnect with the existing tank hub and also to Energy Transfer Crude Oil Pipeline Project. The Mainline portion of the DAPL Project in North Dakota is approximately 210 miles long before crossing the state line at the Emmons County, ND/Campbell County, SD border.

Dakota Access is securing a 50 foot wide permanent easement along the entire Project alignment that is generally centered on the pipeline (i.e. 25 feet on either side of the centerline). The proposed typical construction easement for the DAPL is 85 - 150 feet wide (and includes the 50 feet of permanent easement). Dakota Access plans to install the pipeline using conventional open-cut construction methods with the exception of sixteen locations in which horizontal directional drilling technique will be used to cross features such as streams, rivers, roads or railroad. After pipeline installation is completed, Dakota Access will match the existing elevations and disturbed areas will be reseeded according to Natural Resource Conservation Service approved seed mixes or landowner requirements.

Dakota Access, LLC plans to submit a combined application for a Certificate of Corridor Compatibility and Route Permit to the North Dakota Public Service Commission (Commission) for the DAPL Project pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. The application is scheduled to be filed

in December 2014 in order to obtain Commission approval in the fourth quarter 2015. Dakota Access, LLC plans to begin construction fourth quarter 2015, with completion of all construction in the third-fourth quarter of 2016, pending necessary regulatory approvals and final construction planning.

A detailed routing analysis has been performed on this Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the North Dakota Game and Fish Department oversees the following:

- State Conservation Priority Species,
- Game Refuges
- Game Managements Areas, and
- PLOTS Lands.

We request a review of the project area for the presence or absence of sensitive species, lands, and projects under the direction of these programs.

Copies of correspondence received in response to this letter will be included with the Certificate application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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<a href="http://www.merjent.com">www.merjent.com</a>	<a href="mailto:jkamm@merjent.com">jkamm@merjent.com</a>





Jack Dalrymple, Governor  
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3  
Bismarck, ND 58503-0649  
Phone 701-328-5357  
Fax 701-328-5363  
E-mail [parkrec@nd.gov](mailto:parkrec@nd.gov)  
[www.parkrec.nd.gov](http://www.parkrec.nd.gov)

December 10, 2014

Jennifer Kamm  
Mergent  
TractorWorks Building  
Suite 315  
800 Washington Ave. N  
Minneapolis, MN 55401

Re: Dakota Access Pipeline Project, Dakota Access LLC

Dear Ms. Kamm,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposed construction of a new pipeline to transport crude petroleum from strategic receipt points in the Bakken./Three Forks production area in North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage but may affect Land and Water Conservation Fund recreation projects federally funded Recreation Trail Projects and/or Scenic Byways and Backways that we coordinate.

A map with LWCF project locations has been attached. All LWCF sites received assistance from the federal LWCF program and are under protection of section 6(f) of the LWCF Act. Any property taken from within the 6f boundary of these sites must be replaced with property of equal market value. Should any public or private utilities need to be added or relocated on the LWCF recreational lands, the NDPRD must be consulted prior to any action taken. Please contact Kevin Stankiewicz (701-328-5364 or [kstankiewicz@nd.gov](mailto:kstankiewicz@nd.gov) if additional LWCF information is needed.

The Department is also responsible for coordinating the ND's Scenic Byways and Backways Program. This proposed project is along the Sheyenne River Valley Scenic Byways and as such we recommend any project development be completed with the least amount of or no visual impact to the immediate and distant views from the above mentioned Backways/Byways . Please contact Kevin Stankiewicz(701-328-5364) or [kstankiewicz@nd.gov](mailto:kstankiewicz@nd.gov) if additional Byways and Backways information is needed.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we several many species of concern and significant ecological communities documented within sections and in adjacent sections to project area. Please see the attached spreadsheet and map for more information on these occurrences.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

It is our policy to charge requests for data services including data retrieval, data analysis, manual and computer searches, packaging and collection of data. An invoice for services provided has been enclosed.

.....  
*Play in our backyard!*

December 10, 2014

Page 2

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact me at (701-328-5370 or [kgduttonhefner@nd.gov](mailto:kgduttonhefner@nd.gov)) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,

Kathy Duttonhefner, Coordinator  
Natural Resources Division



R.USNDNHI\*2014-203KD12/10/2014DL12/10/2014

## Chad Anderson

---

**From:** Jennifer Kamm  
**Sent:** Saturday, November 15, 2014 3:17 PM  
**To:** parkrec@nd.gov  
**Cc:** Howard, Monica; Joe Sedarski; Chad Anderson  
**Subject:** Project Notification and Request for Comment - Dakota Access Pipeline Project, Dakota Access, LLC  
**Attachments:** DAPL\_CL\_Facilities\_20141114.kmz

Dear Ms. Duttenhefner:

Dakota Access, LLC is proposing to build a new pipeline to transport crude petroleum from strategic receipt points in the Bakken/Three Forks production area in North Dakota to Patoka, Illinois. The proposed overall DAPL Project is an approximate 1,100-mile-long, light crude oil pipeline project beginning near Stanley, North Dakota, and ending at Patoka, Illinois. This email is being sent as a follow up to the phone call to your office on November 12, 2014 by Merjent Inc., environmental consultant for the project, to introduce the proposed Dakota Access Pipeline Project (DAPL Project) and request your comments. For your reference, a kmz file is attached which shows the DAPL Project location in North Dakota.

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A detailed routing analysis has been performed on the Project taking into consideration a significant amount of information to avoid and minimize impacts of known and suspected resources. Surveys of the route and aboveground facility locations commenced in third quarter 2014 and are ongoing. We are in the process of collecting civil, biological, and cultural data, in addition to performing public outreach and agency consultations.

As indicated above, the purpose of this letter is to provide notification of the proposed DAPL Project and to seek your comments that will assist in the regulatory process. It is our understanding that the North Dakota Parks and Recreation Department oversees the following:

- North Dakota Natural Heritage Inventory system,
- State parks,
- Recreation areas,
- Natural areas, and
- Land and Water Conservation Fund.

We request a review of the Project area for the presence or absence of sensitive species, lands, and projects under the direction of these programs.

Copies of correspondence received in response to this email will be included with the application for the Commission's records. We appreciate your assistance with this request and look forward to your timely review and comments on the DAPL Project. Merjent Inc. has been contracted to provide environmental consultation for the project. Should you have any questions or comments, please contact me at 612.354.4284, [jkamm@merjent.com](mailto:jkamm@merjent.com), or at Merjent Inc., c/o Jennifer Kamm, Tractor Works Bldg., 800 Washington Avenue North, Suite 315, Minneapolis, MN 55401

Sincerely,

Jennifer Kamm



**Jennifer Kamm**

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[jkamm@merjent.com](mailto:jkamm@merjent.com)